

Alpine Amador Butte Calaveras Colusa
Del Norte El Dorado Glenn Imperial Inyo
Lake Lassen Madera Mariposa Merced



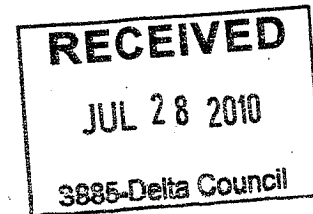
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July 26, 2010

Mr. Phil Isenberg, Chair
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814



Mr. Joe Grindstaff, Chief Executive Officer
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

Re: Second Draft Delta Interim Plan (dated July 14, 2010)
Submitted via: interimplan@deltacouncil.ca.gov

Dear Mr. Isenberg and Mr. Grindstaff:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I welcome the opportunity to submit comments on the Second Draft Interim Delta Plan dated July 14, 2010 for your consideration.

General Comments

RCRC appreciates the fact that the Second Draft Interim Plan has been significantly revised from the prior version. RCRC requests that the Delta Stewardship Council make available to the public the draft of the third revision of the Interim Delta Plan in track-change. This would greatly assist interested stakeholders as they seek to provide input to the Delta Stewardship Council given the short turn-around to provide comments.

RCRC also understands that the development and adoption of the Interim Delta Plan (August 27, 2010) and Delta Plan (January 1, 2012) are on a very fast track, and that drafting is taking place on both concurrently. While we understand that it may be difficult to separate the two, RCRC suggests that the Second Draft Interim Delta Plan be further streamlined and focused on recommendations for early actions, projects, and programs that can be undertaken in the legal Delta in the near-term.

RCRC further requests that the third revision of the Interim Plan be released to the public enough in advance so that interested stakeholders have adequate time to review the document and develop comments.

Specific Comments

Background

On Page 1 under "Background" lines 34 and 35 the document states "...the natural resources of the Delta are not effectively protected, nor are reliable supplies of water being provided for many who are dependent on exports (emphasis added) through the Delta."

RCRC notes that this sentence does not reflect the language of the co-equal goals as found in statute. RCRC suggests that the language be revised to mirror the language of the co-equal goals which includes "...providing a more reliable water supply for California." (emphasis added)

Delta Flow Criteria

The Delta Flow Criteria developed by the State Water Resources Control Board as required by SB 7x 1 is referenced in various sections of the Second Draft Interim Delta Plan. For example, on Page 27, line 11, dealing with Analytical Tools for Council Action the draft describes the seven tools upon which the framework relies including "Delta water flows". Further, on line 17, the document states that these seven tools focus on "core responsibilities of the Council....".

It is important that the Delta Stewardship Council understand just what the Delta Flow Criteria developed by the State Water Resources Control Board represents. Given the unreasonable legislative deadline contained in SB 7x 1 the State Water Resources Control Board's approach was limited to review of instream needs in the Delta ecosystem, specifically fish species and Delta outflows. The Delta Flow Criteria determinations are accordingly limited to protection of aquatic resources in the Delta.

The Delta Flow Criteria does not consider other public trust resources or a broad range of public interest considerations. As stated on Page 3 of the July 20, 2010 Draft Delta Flow Criteria Report: "...the State Water Board has not considered the allocation of water resources, the application of the public trust to a particular water diversion or use, water supply impacts, or any balancing between potentially competing public trust resources (such as potential adverse effects of increased Delta outflow on the maintenance of coldwater resources for salmonids in upstream areas)".

Under the circumstances, it is RCRC's firm belief that it would be inappropriate for the Delta Stewardship Council to utilize this data to "inform" the development of either the Draft Interim Delta Plan or Delta Plan given the limited circumstances analyzed in the Delta Flow Criteria Report.

As to the "core responsibilities of the Council", the Delta Stewardship Council does not have any regulatory authority to establish flow objectives.

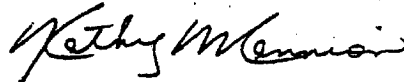
Appendix IV: Basic Legal Authorities

Appendix IV, lines 8 and 9, states "...the Council views the coequal goals defined in Public Resources Code Section 29702 (a) as a complete statement of state policy." (emphasis added)

This is a very broad statement which would seem to imply that the Delta Stewardship Council's decisions will exclude consideration of other important state policies and/or laws when developing the Delta Plan. RCRC cannot foresee anything other than conflict if truly reflects the Delta Stewardship Council's intent. RCRC suggests that this statement be deleted or modified.

In conclusion, RCRC appreciates the opportunity to comment on the Second Draft Interim Delta Plan. If you have any questions, please feel free to contact me at (916) 447-4806 or kmannion@rcrcnet.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Mannion".

Kathy Mannion
Legislative Advocate

cc: Members, Delta Stewardship Council

